

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

14 01.07.2025
rkd Ct.18
Judgment

W.P.A. 11232 of 2025

Md. Mofazzal Hossain

-vs-

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal

....for the petitioner.

Ms. Sanghamitra Nandy

....for the State.

Mr. Avishek Prasad

....for the DPSC, Malda.

1. Petitioner being primary teacher working in Kotal Primary school, Malda has made an application for transfer in offline mode on 19th February, 2025 on several grounds but the first ground is ailment of his son.
2. It is submitted in the transfer application that son of the petitioner suffered ischemic brain stroke causing paralysis. It is also submitted that petitioner has completed five years of service as confirmed teacher in a primary school which makes him entitle to be transferred from one school to another school in the same district.
3. District Primary School Council, Malda is represented by learned advocate who submits for taking decision for transfer on medical ground

since son of the petitioner is suffering from serious ailment, medical certificate from concerned Chief Medical Officer of Health/Medical Board is required.

4. In view of respective submissions made on behalf of the parties, Chairman, District Primary School Council, Malda being respondent no.6 is directed to obtain medical certificate from Chief Medical Officer of Health/Medical Board on medical examination of son of the petitioner by three weeks from the date of communication of this order.
5. In the medical certificate the concerned CMOH/Medical Board is required to opine whether nature of ailment of the son of the petitioner is such which requires constant care and supervision or not.
6. If medical report justifies transfer of the petitioner, respondent no.6 shall decide the same in accordance with law by four weeks thereafter.
7. The decision to be taken by the respondent no.6 shall be communicated to the petitioner by ten days thereafter.
8. The writ petition stands disposed of.
9. However, it is made clear that suspension of Utsashree portal shall not be a ground for rejecting the transfer application of the petitioner.

10. There shall be no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)